

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12-CV-00461-FDW-DCK**

ORDER

DAVID LEE PETTUS, )  
Plaintiff, )  
 )  
v. )  
 )  
CAROLYN W. COLVIN,<sup>1</sup> )  
Defendant. )  
 )

**THIS MATTER** is before the Court upon Defendant Acting Commissioner of Social Security Carolyn W. Colvin's Assented to Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Case to the Defendant. (Doc. No. 12). This Motion is hereby GRANTED, Defendant's decision is REVERSED, and the cause is REMANDED to Defendant for further administrative proceedings.

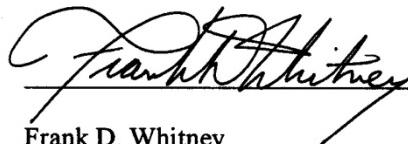
Defendant has moved this Court, pursuant to sentence four of 42 U.S.C. section 405(g), to enter a judgment reversing Defendant's decision with a remand of the cause to Defendant for further administrative proceedings. Pursuant to the power of the Court to enter a judgment affirming, modifying or reversing Defendant's decision with remand in Social Security actions under sentence four of 42 U.S.C. section 405(g), and in light of Defendant's Motion to remand this action for further administrative proceedings, this Court hereby GRANTS Defendant's Motion, REVERSES Defendant's decision under sentence four of 42 U.S.C. section 405(g), and REMANDS the cause to Defendant for further administrative proceedings. See Melkonyan v. Sullivan, 501 U.S. 89 (1991). Upon remand to Defendant, the Administrative Law Judge will be

<sup>1</sup> Carolyn W. Colvin became Acting Commissioner of Social Security on February 14, 2013, replacing now former Commissioner Michael J. Astrue. Accordingly, Acting Commissioner Colvin now appears instead of former Commissioner Astrue as Defendant in this suit.

instructed to: 1. further evaluate Plaintiff David Lee Pettus's subjective complaints in light of the medical evidence of record; 2. further consider Plaintiff's residual functional capacity, and in so doing, address and evaluate all medical evidence of record concerning Plaintiff's back and neck impairments; and, 3. if warranted by the expanded record, obtain supplemental vocational expert evidence to identify jobs that exist in significant numbers in the national s economy that Plaintiff can perform. The Clerk of Court will enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Signed: May 20, 2013



---

Frank D. Whitney  
United States District Judge

